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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,689	01/18/2001	Yutaka Miyamoto	Q62322	4689

7590 08/05/2004

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EXAMINER

TRINH, MINH N

ART UNIT PAPER NUMBER

3729

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,689

Applicant(s)

MIYAMOTO ET AL.

Examiner

Minh Trinh

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) 13-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/140,669.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Receipt is acknowledged of the "conditional" request for an RCE application is acceptable and an RCE has been established. Claims 12-22 are pending, claims 14-18 is directed to a non-elected invention (as indicated in prior Office Action) and further claims 19-22 are directed to an invention other than the invention as originally claimed as the following reasons.

### ***Election/Restrictions***

2. Regarding newly submitted claims 19-22. These claims are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Original claims 12-13 and newly submitted claims 19-22 are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because invention I does not require the features such as: a first transferring unit, inserting unit, and removing unit ...etc." as cited in the invention II. The invention II has separate utility such as "for transferring a wire clamping bar which holds an initial one of the partial . . . to a fabricating station" (see claim 19, lines 3-4). Since applicant has received an action on the merits for the originally presented invention, this invention

has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19-23 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

An Office action on the merits of claims 12-13 follows:

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art [APA], (see Fig. 13, and the discussion under “The Related Art”, specification, pages 1-5) in view of Maejima et al (US 5,774,981).

APA (see Fig. 13, and the discussion under “The Related Art”, specification page 1-5) discloses an apparatus for manufacturing a single wire harness comprising a wire harness fabricating station 103 (see Fig. 13, discussion at col. page 1, line 20 to page 2, line 5) for forming a single wire harness from partial harnesses 102 (see Fig. 13) the wire harness fabricating station having a connector receiving table 106 (see the discussion in the specification, page 2, lines 11-17) which detachably holds a plurality of proper connectors (105<sub>3</sub>, 105<sub>4</sub>) and a plurality of hybrid connectors (105<sub>1</sub>, 105<sub>2</sub>). APA does not expressly teach the use of a first connector receiving jig and a second connector receiving jig for positioning the proper connectors and hybrid connector therefrom. Maejima et al teach the use of receiving jig 34 for receiving connector (see Fig. 1, and the discussion at col. 3, lines 51). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to employ the teaching

of Maejima's connector receiving jig onto the invention of APA in order to obtain a connector receiving jigs for holding and securing of the connector housing during the fabrication of a wire harness. Furthermore, it is old and well known to use the connector receiving jig for operatively holding and positioning of connectors during the fabricating of the wire harness.

Note the limitation: "using a plurality of proper connectors and a plurality of hybrid connectors" (as recited in claim 12, lines 2-3) is intended use which does not further limit the claimed structure.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maejima et al or APA as modified above and further in view of Takada (US 6,269,538).

Maejima et al or APA as modified and relied upon above do not teach the wire harness fabricating station comprises a connector transferring device for transferring to the connector receiving jig, one of the proper connector and hybrid connectors, respectively. Takada teaches a transferring device as described above (as shown in Fig. 2 and discussed at col. 7, lines 27-29 and col. 8, lines 2-3). Therefore, it would have been obvious to one ordinary skill in the art, at the time of the invention was made to employ the teaching of transferring device as taught by Takada onto the invention of APA or Maejima et al in order to obtain a desired transferring device for transferring to the connector receiving jig, the proper connectors and hybrid connectors to the partially harness in an effective manner.

#### ***Prior Art References***


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art references are cited for their teaching of an apparatus for making a wire harness or the like.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Minh Trinh 8/04/04  
Patent Examiner Group 3729

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